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1615

Attorney Docket No.: 9056-5CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E  
JUL 14 2004  
PATENT & TRADEMARK OFFICE  
SC423

Issue: Mailland  
Serial No.: 10/016,005  
Filed: November 1, 2001  
For: *METHODS FOR MAKING SUSTAINED-RELEASE PHARMACEUTICAL  
COMPOSITIONS OF ERGOT ALKALOIDS HAVING IMPROVED  
BIOAVAILABILITY AND COMPOSITIONS THEREOF*

Confirmation No.: 3851  
Group Art Unit: 1615  
Examiner: M. Young

July 14, 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC §134, 37 CFR 1.191, and MPEP §1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated January 14, 2004, at least twice rejected or finally rejecting claims 20-51.

Applicant claims small entity status. See 37 CFR 1.27.

Enclosed is a check in the amount of \$165.00 for the Appeal fee as provided by 37 C.F.R. § 1.17(b).

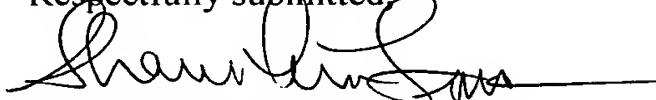
Payment by credit card is requested. Form PTO-2038 is attached.

A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

Also enclosed: Request for Acceptance Without Petition for Extension of Time; Photocopy of the Amendment After Final of February 23, 2004 and Photocopy of postcard receipt.

The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0220.

Respectfully submitted,

  
Shawna Cannon Lemon  
Registration No. 53,888

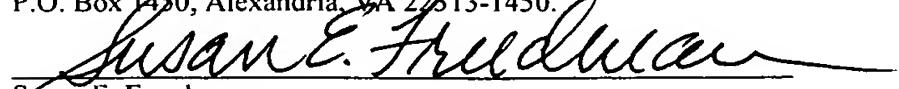
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**CERTIFICATE OF EXPRESS MAILING**

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Date of Deposit: July 14, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Susan E. Freedman  
Date of Signature: July 14, 2004

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